

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION)

) CIVIL ACTION: 01-CV-12257-PBS
)
THIS DOCUMENT RELATES TO:) Judge Patti B. Saris
ALL CLASS ACTIONS)

)

**PLAINTIFFS' NOTICE OF WITHDRAWAL OF
PLAINTIFFS' MOTION TO COMPEL DEFENDANT GLAXOSMITHKLINE, INC.
TO PRODUCE DEPOSITION WITNESSES**

PLEASE TAKE NOTICE that Plaintiffs' Motion to Compel Defendant GlaxoSmithKline, Inc. ("GSK") to Produce Deposition Witnesses dated March 24, 2005 is hereby withdrawn. Plaintiffs filed this motion because as of the date of filing, GSK had not supplied dates for the depositions of any of the witnesses noticed in Plaintiffs' Notice of Deposition dated February 9, 2005. After plaintiffs filed their motion to compel, GSK provided dates for the depositions of nine of the ten witnesses whose depositions were subject to the motion, and provided the last known address of the tenth, a former GSK employee. As a result, judicial assistance is no longer needed.

Respectfully submitted,

By: s/ David S. Nalven

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Dated: April 22, 2005

CERTIFICATE OF SERVICE

Docket No. MDL 1456

I, David S. Nalven, hereby certify that I am one of plaintiffs' attorneys and that, on April 22, 2005, I caused copies of Plaintiffs' Notice of Withdrawal of Plaintiffs' Motion to Compel Defendant GlaxoSmithKline to Produce Deposition Witnesses dated March 24, 2005 to be served via VeriLaw on all counsel of record.

/s/ David S. Nalven

David S. Nalven

Dated: April 22, 2005